

AMENDMENTS TO THE DRAWINGS

Replacement Sheet Two follows this page.

REMARKS/ARGUMENTS

The Office Action has been carefully considered. Before entry of this paper, the status of the application is as follows:

- Claims 1-21 are pending in the application.
- The Drawings are objected to under 37 C.F.R. § 1.83(a) with respect to the feature described by claim 7.
- Claims 1-4, 6, 9, 11, 14-16, 18, and 20 are rejected under 35 U.S.C. § 102(b) over Fahey (U.S. Pat. No. 4,387,927).
- Claims 1-6, 8-10, 14, 15, and 17-20 are rejected under 35 U.S.C. § 102(b) over Holland (U.S. Pat. No. 2,693,227).
- Claims 7, 12, 13, and 21 are rejected under 35 U.S.C. § 103(a) over either Fahey or Holland in view of Siekman et al. (U.S. Pat. No. 5,378,045).

In view of the amendments above and the following remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of non-canceled claim 21, entry of new claims 22-38, withdrawal of the objection to the Drawings, and entry of new Figure 1f and the associated changes to the Specification.

1. Applicant has canceled claims 1-20 and added new claims 22-38. Claims 27-38 generally track canceled claims 2-13, with appropriate changes to the syntax and to the numbers of the claims referenced therein. Support for new claims 22-26 can be found in the Specification at, for example, paragraph [0021] of the published application, U.S. Pub. No. 2005/0099051. No new matter has been added.
2. The Drawings are objected to under 37 C.F.R. § 1.83(a) with respect to the feature described by claim 7 (now claim 32), i.e., the rectangular base portion 110 of the housing apparatus 100. Applicant has amended sheet two of the Drawings to add new Figure 1f that shows this feature. Also, Applicant has amended the Specification to refer to Figure 1f. No new matter has been added, since support for the new figure can be found in the Specification at, for example, paragraph [0025] of the published application. Applicant respectfully requests entry of Replacement Sheet Two of the Drawings and the amendments to the Specification.

3. Claims 1-4, 6, 9, 11, 14-16, 18, and 20 are rejected under 35 U.S.C. § 102(b) over Fahey (U.S. Pat. No. 4,387,927); claims 1-6, 8-10, 14, 15, and 17-20 are rejected under 35 U.S.C. § 102(b) over by Holland (U.S. Pat. No. 2,693,227); and claims 7, 12, 13, and 21 are rejected under 35 U.S.C. § 103(a) over either Fahey or Holland in view of Siekman et al. (U.S. Pat. No. 5,378,045). Applicant respectfully traverses these rejections as applied to the claims as amended.

Applicant has canceled claims 1-20 and added new claims 22-38. Further, Applicant has amended independent claim 21 to recite that the flowable body cushion comprises a cover loosely filled with a plurality of small objects. No new matter has been added, since support for this change can be found in the Specification at, for example, paragraphs [0019] and [0021] of the published application.

Fahey, Holland, and Siekman et al., whether taken alone or in some combination, fail to disclose at least a flowable body cushion comprising a cover loosely filled with a plurality of small objects. At least this aspect of amended claim 21 is simply absent from Fahey, Holland, and Siekman et al., and claim 21 is, therefore, patentable over these references. Because claims 22-38 depend directly or indirectly from claim 1, these dependent claims are allowable as well. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 21, and entry of new claims 22-38.

Applicant's seating device includes a flowable body cushion comprising a cover loosely filled with a plurality of small objects. This cushion can be, for example, a beanbag. The housing apparatus and cushion of the seating device work together such that when someone sits in the cushion the small objects of the cushion migrate to all the right areas to make the sitting position extremely comfortable. The base and back portions of the seating device are configured to facilitate entry and exit of the person sitting on the cushion and to properly retain the cushion (e.g., by having a tapered back portion). Further, the seating device holds the cushion off the floor, thereby preventing the cushion from becoming soiled and stained. None of Fahey, Holland, and Siekman et al. teaches or suggests these advantages of the claimed seating device.

CONCLUSION

In view of the foregoing, Applicant submits that claims 21-38 are allowable. Applicant respectfully requests entry of this Amendment and Response, reconsideration, and early favorable action by the Examiner.

The Examiner is cordially invited to contact Applicant's undersigned representative at the number listed below to discuss any outstanding issues.

Respectfully submitted,



Brian M. Gaff, Esq.
Attorney for Applicant
Edwards & Angell, LLP
101 Federal Street
P.O. Box 55874
Boston, Massachusetts 02205-5874
www.EdwardsAngell.com

Date: October 28, 2005
Reg. No. 44,691

Tel. No.: (617) 517-5597
Fax No.: (888) 325-9725

Email: bgaff@EdwardsAngell.com

BOS2_512886.1